



Governor
Douglas A. Ducey

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

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Board Members

Douglas Cunningham, D.O., Pres.
Jerry G. Landau, J.D., V.P.
Gary A. Erbstoesser, D.O.
Jonathan A. Maitem, D.O.
Martin Reiss, D.O.
Lew Riggs, Ed.D.
Christopher Spiekerman, D.O.

Executive Director

Jenna Jones

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING OF
THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

Saturday, May 6, 2017

BOARD MEMBERS PRESENT:

Douglas Cunningham, D.O. President
Jerry G. Landau, J.D., Vice-President
Gary A. Erbstoesser, D.O.
Jonathan A. Maitem, D.O.
Martin Reiss, D.O.
Lew Riggs, Ed.D.
Christopher Spiekerman, D.O.

STAFF / OTHERS PRESENT:

Jenna Jones, Executive Director
Barbara Prah, D.O., Medical Consultant
Rachel Shepherd, Investigations Manager
Kathy Fowkes, Licensing Administrator
Jeanne Galvin, Assistant Attorney General
Robin Jasper, RCR, Ottmar & Associates
Debora Mitchell, CVR, Ottmar & Associates

1. CALL TO ORDER

Dr. Douglas Cunningham, Board President, called the meeting to order at 8:05 a.m. and read the Board's mission statement: "The mission of the Board is to protect the public by setting educational and training standards for licensure, and by reviewing complaints made against osteopathic physicians, interns, and residents to ensure that their conduct meets the standards of the profession, as defined in law (A.R.S. § 32-1854)."

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the Roll. Seven (7) board members were present, establishing quorum for the meeting. The Executive Director reviewed the agenda.

3. CALL TO THE PUBLIC

- A.** Dr. Cunningham welcomed the Medical Students from Arizona College of Osteopathic Medicine at Midwestern University, A.T. Still University Kirksville College of Osteopathic Medicine and A.T. Still University School of Osteopathic Medicine in Arizona.
- B.** The Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. Members of the public who wanted to address the Board on an issue not on the agenda were invited to speak prior to the adjournment.

No public members addressed the Board.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

April 1, 2017 Open Session

Dr. Maitem was recused.

Ms. Jones offered a correction to item 6-A of the minutes for the Board to consider and approve. The second was Dr. Erbstoesser.

MOTION: Dr. Erbstoesser moved to approve the minutes as amended. Spiekerman seconded.

VOICE VOTE: Motion carried unanimously.

April 1, 2017 Executive Session

Dr. Maitem was recused.

MOTION: Dr. Erbstoesser moved to approve the minutes. Dr. Spiekerman seconded.

VOICE VOTE: Motion carried unanimously.

5. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855(D).

A. DO-16-0181A Robert Louis Lock DO LIC. #2523

Respondent was not present. The Board discussed the case. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Erbstoesser moved for **Dismissal**. Dr. Reiss seconded.

VOICE VOTE: Motion carried unanimously.

Board directed staff to write a letter to Dr. Lock regarding the importance of responding in a timely manner to complaint notices.

- B. DO-16-0208A Kathryn L Brown DO LIC. #2816
- C. DO-16-0206A Kathryn L Brown DO LIC. #2816

Agenda Items 5-B and 5-C were heard together.

The Respondent was present with attorney Christopher Ingle and answered the Board's questions. The board asked how she was handling the stresses of the alleged embezzlement and aftermath. She reported as well as she could. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Erbstoesser moved for **Dismissal**. Dr. Reiss seconded.

VOICE VOTE: Motion carried unanimously.

- D. DO-16-0164A Steven B. Chintis DO LIC. #2583

The Respondent was present with attorney Mandi Karvis and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training.

Dr. Cunningham moved to enter Executive Session to review records and receive testimony regarding records which are confidential by statute. Dr. Erbstoesser seconded. The Board entered Executive Session with Respondent and his attorney at 8:21 a.m. and returned to Open Session at 8:31 a.m.

MOTION: Dr. Reiss moved for **Dismissal** with the recommendation that the Board receive a six (6) month status report from Dr. Chintis. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

Board recessed for a short break at 8:32 a.m. and returned to Open Session at 8:38 a.m.

6. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855(E).

- A. DO-16-0133A David Craig Izenberg, DO LIC. #2253

The Respondent was present with attorney Stephen Myers and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged inappropriate prescribing of controlled substances. Dr. Izenberg read a prepared statement. Mark D. Goldberg, M.D., who works in the same practice with Respondent, spoke on his behalf, attesting to the positive change in the Respondent's practice after taking the PACE prescribing course.

Dr. Reiss moved to enter Executive Session to obtain legal advice. Dr. Spiekerman seconded. The Board entered Executive Session at 9:30 a.m. and returned to Open Session at 9:43 a.m.

The Complainants, parents of the patient, were present and were sworn in by the court reporter. The Complainants provided testimony and answered the Board's questions.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Spiekerman seconded. The Board entered Executive Session at 9:51 a.m. and returned to Open Session at 9:54 a.m.

The Complainants answered more of the Board's questions.

Mr. Myers requested the Board consider disciplinary action in the form of probation and close monitoring.

The Board expressed concern that the Respondent may not have a proper knowledge base and examining skills, was over-prescribing opioids without a physical exam, proper screening, failed to respond to dirty urine drug screens, was prescribing multiple drugs that should not be prescribed together, as well as other concerns.

Dr. Reiss moved to enter Executive Session to obtain legal advice. Dr. Spiekerman seconded. The Board entered Executive Session at 10:00 p.m. and returned to Open Session at 10:19 a.m.

MOTION: Mr. Landau moved for a finding of Unprofessional Conduct for violations of ARS 32-1854(6), (21), (36), (38), and (48). Evidence demonstrates Respondent:

1. Prescribed both opioids and benzodiazepines concurrently.
2. Prescribed methadone in conjunction with benzodiazepines and opioids.
3. Prescribed multiple benzodiazepines to the same patient.
4. Prescribed drugs without understanding the side-effects.
5. Continued to prescribe opioids to patients who had a past history of alcohol abuse.
6. Failed to recognize drug seeking behavior in some of his patients, including the patient in this case.
7. Continued to prescribed and over-prescribe controlled drugs.
8. Prescribed adderall for a patient without doing a work up to determine if the patient had ADHD.
9. Failed to monitor persons to whom the drugs were being prescribed to guard against overprescribing.
10. Failed to provide urine drug screens on a consistent basis.
11. Failed to document prescriptions of controlled substances.
12. Failed to examine the patient to determine the condition that he felt necessitated the prescribing of the drugs.
13. Failed to document physical exams.
14. Failed to document the reason(s) for the prescription(s).
15. Failed to make appropriate referrals to pain management and to psychiatry.

Dr. Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

MOTION: Mr. Landau moved for an interim order for a twelve-month **Probation**, to include:

1. Restriction on prescribing class 2, 3, 4 and 5 drugs as well as psychotropic drugs,
2. Restriction on recommending medical marijuana,
3. Requirement to complete CPEP, PACE or equivalent evaluation for the practice of medicine to be completed no later than Oct 31, 2017,
4. Suspension of his dispensing registration, and
5. To continue to case to the November 2017 meeting if the evaluation report has been received.

Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

B. DO-15-0263A Derek James DeTemple, DO LIC. #3763

Dr. Maitem was recused.

The Respondent was present with attorney Andy Rosenzweig and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged failure to diagnose and treat sepsis in a timely

manner. The Respondent answered the Board's questions. Respondent stated the case was very complicated. With the patient's allergies to antibiotics, it was difficult to find one that worked for her.

MOTION: Dr. Reiss moved for **Dismissal**. Mr. Riggs seconded.

ROLL CALL VOTE: The motion carried 6-0, Dr. Maitem recused.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	7	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0						X	
ABSENT	0							

C. DO-16-0153A Diana Lynn Easton DO LIC. #2129

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated her education and training. The Investigator's report was reviewed. The Complaint alleged failure to sign a death certificate in a timely manner. The Respondent answered the Board's questions.

MOTION: Dr. Spiekerman moved for **Dismissal**. Dr. Reiss seconded.

VOICE VOTE: Motion carried unanimously.

D. DO-16-0137A Rick Alan Shacket DO, DO(h) LIC. #4257

The Respondent was present with attorney Douglas O. Guffey and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training.

Mr. Landau moved to enter Executive Session to obtain legal advice. Mr. Riggs seconded. The Board entered Executive Session at 10:47 a.m. and returned to Open Session at 10:51 a.m.

The Medical Consultant reviewed the case. The complaint alleged giving chemotherapy without proper training. The Respondent answered the Board's questions. The Board expressed concern regarding his treatment of the patient with cancer drugs when the patient had an inoperable brain tumor and was terminal, and the safety of the treatment and its delivery.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Dr. Erbstoesser seconded. The Board entered Executive Session at 11:35 a.m. and returned to Open Session at 11:47 a.m.

Elliot Schmerler, (h), an administrator at EuroMed Foundation, was present, sworn in, and answered the Board's questions regarding patient care at EuroMed. He also answered questions about his disciplinary and criminal history.

Mr. Guffey made a statement.

MOTION: Mr. Landau moved for a finding of Unprofessional Conduct for violation of (6), (34) (Supervision of PA), and (38) for:

1. Practicing oncology without proper training to prescribe and administer the drugs necessary to treat patients with chemotherapy; the community standard requires that physicians are knowledgeable about the drugs being prescribed,
2. Respondent's practice in this area has harmed or may harm the public,
3. Consents provided to the patient are inadequate and do not provide a list of potential side-effects of the drugs being administered,
4. Documents do not indicate there is collaboration with the PA regarding physical examination and treatment of the patient, and
5. Failure to supervise those who are examining and treating the patient.

Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

MOTION: Mr. Landau moved for a **Decree of Censure** and \$1,000 civil penalty to be paid within 30 days. Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

- E. DO-15-0165A Ali Rajaei-Tehrani DO LIC. #4383

This case was continued.

- F. DO-15-0196A William Scott Harvey DO LIC. #006072

The Respondent was present with attorney Stephen Myers, DO. Mr. Myers answered the Board's questions. Mr. Myers requested the matter be continued pending the outcome of the appeals in process for the underlying matter.

Mr. Myers did not believe Dr. Sucher's report was sufficient to warrant further evaluations.

MOTION: Dr. Cunningham moved for a Consent Agreement for random drug screens and to reschedule the case to the June meeting. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

The Board took a lunch break from 12:25 p.m. to 1:00 p.m.

7. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855(E)

- G. DO-16-0003A James Edward Clark, DO LIC. #005609

The Respondent was present with his wife and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint was opened after receiving notice of a medical malpractice settlement. The Respondent answered the Board's questions regarding his alleged failure to properly read an ultrasound. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Spiekerman seconded.

VOICE VOTE: The motion carried unanimously.

H. DO-16-0159A Danielle Lynn Barnett, DO LIC. #006114

The Respondent was present with attorney Mandi Karvis and was sworn in by the court reporter. At the request of the Board, the Respondent stated her education and training. The Medical Consultant reviewed the case. The complaint alleged failure to diagnose and treat a bowel obstruction, leading to death of one patient and failure to follow up on an x-ray, leading to admission to ICU for another patient. The Respondent answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Erbstoesser moved for **Dismissal**. Dr. Spiekerman seconded.

VOICE VOTE: The motion carried unanimously.

I. DO-16-0228A Rex Dale Cooley, DO LIC. #3733

The Respondent was present with attorney Peter Akmajian and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint was opened after receiving notice of a medical malpractice settlement. The complaint alleged a delay in diagnosis. The Respondent answered the Board's questions and admitted the delay.

MOTION: Mr. Landau moved for a **Letter of Concern** for a delay in diagnosis of the infection. Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

J. DO-16-0160A Ariana L. Peters, DO LIC. #4796

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated her education and training. The Investigator's report was reviewed. The Respondent answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Erbstoesser moved for **Dismissal**. Mr. Riggs seconded.

VOICE VOTE: The motion carried unanimously.

The Board recessed for a short break at 1:53 p.m. and returned to Open Session at 2:04 p.m.

Mr. Riggs departed the meeting at 2:02 p.m.

8. BOARD MAY REVIEW, DISCUSS AND TAKE ACTION ON REQUEST FOR REVIEW OR REHEARING

A. DO-15-0266A David Dean Minor, DO LIC. #2321

Dr. Erbstoesser was recused.

The Respondent was present with attorney Stephen Myers and was sworn in by the court reporter. Mr. Myers gave a prepared statement and answered the Board's questions.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Spiekerman seconded. The Board entered Executive Session at 2:20 p.m. and returned to Open Session at 2:34 p.m.

The Board requested Mr. Myers provide a written brief regarding his questions about due process for the Board to consider, to be received no later than June 7, 2017.

The Board directed staff to do a random 10-chart review of care from November 2016 to the present.

MOTION: Mr. Landau moved to rehear the case based on the grounds as presented by Mr. Myers. Dr. Spiekerman seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	5	X		X	X		X	X
NO	0							
ABSTAIN/RECUSE	1		X					
ABSENT	1					X		

9. BOARD MAY REVIEW, DISCUSS AND TAKE ACTION REGARDING PROPOSED CONSENT AGREEMENT FOR SURRENDER OF LICENSE

A. DO-15-0139A Dale Thomas Ratcliffe, DO LIC. #4581

The Respondent was not present. Mr. Myers was present on behalf of the Respondent. The Executive Director presented the Consent Agreement for Surrender of License which was modified by Mr. Myers by the additional Findings of Fact and an Addendum.

MOTION: Mr. Landau moved to approve the **Consent Agreement for Surrender of License** as modified. Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	6	X	X	X	X		X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1					X		

B. DO-15-0005A Paul Spencer Ruble, DO LIC. #N/A

The Respondent was not present. The Executive Director reviewed the case and presented the Consent Agreement for Surrender of License.

MOTION: Mr. Landau moved to approve the **Consent Agreement for Surrender of License**. Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	6	X	X	X	X		X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1					X		

10. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-207.

A. DO-17 -0078A Jeremy Juhani Kokkonen LIC. #N/A

Dr. Kokkonen was present. The Executive Director reviewed the license application. Dr. Kokkonen answered the Board's questions about his yes answers as reported on his application involving a malpractice action and prior charge while in college.

MOTION: Dr. Spiekerman moved to approve the license application. Dr. Maitem seconded.

VOICE VOTE: The motion carried unanimously.

B. DO-17 -0080A Darin Dale Ott LIC. #N/A

This application review was continued.

C. DO-17 -0082A Greg Michael Singer LIC. #N/A

Dr. Singer was present. The Executive Director reviewed the license application. Dr. Singer answered the Board's questions regarding the yes answers on his application regarding his previous disciplinary cases in other states and the federal court case that was resolved in January 2017. He indicated he was released from all matters in January of this year.

MOTION: Dr. Spiekerman moved to approve the license application. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

D. DO-17 -0083A Eric Jacob Hoffman LIC. #N/A

Dr. Hoffman was present. The Executive Director reviewed the license application. Dr. Hoffman answered the Board's questions regarding the yes answer on his application regarding malpractice.

MOTION: Dr. Spiekerman moved to approve the license application. Dr. Maitem seconded.

VOICE VOTE: The motion carried unanimously.

E. DO-17-0084A James Edward Fenlon LIC. #N/A

Dr. Fenlon was present. The Executive Director reviewed the license application. Dr. Fenlon answered the Board's questions regarding the yes response on his application regarding charges he incurred in college. He has had no further situations and regretted his actions.

MOTION: Dr. Maitem moved to approve the license application. Dr. Spiekerman seconded.

VOICE VOTE: The motion carried unanimously.

11. REVIEW, CONSIDERATION AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR, BOARD MEMBERS, and ASST ATTORNEY GENERAL

A. Report on ED Dismissed Complaints

Ms. Jones advised there were 5 cases that were ED dismissed from March 28, 2017 to May 1. A total of 18 cases resolved during that same time period. She presented the statutorily required information in her written report.

Mr. Landau asked if there were any outstanding 2015 cases. He stated resolving cases timely has taken on greater importance within the State. He stated the Board will need to keep a close eye on continuances in order to resolved cases in a timely manner. Ms. Jones advised yes, there were a few but the staff is focusing on resolving the oldest cases first. She reported the Board had received 104 complaints thus far in 2017.

B. President and Board Member Reports

Dr. Erbstoesser reported regarding the recent FSMB conference. He stated one of the “hot topics” was Opioid Prescribing. One state has instituted mandatory drug testing for patients who have been prescribed opioids. He questioned if this would be implemented in Arizona, and if so, if it was possible for the pharmacy to be required to do drug testing at the time a patient picks up their prescription. He also informed the Board that the CSPMP’s disclaimer absolves the Pharmacy Board of responsibility if the information in the CSPMP report is incorrect. He suggested that the CSPMP reporting be held to provide accurate information.

Another “hot topic” was Dying with Dignity. California and Oregon law allow physician-assisted suicide. Canada does, also. The question and answer session was quite long. Dr. Erbstoesser felt that Arizona was not ready for such a law, but felt that this issue will continue to evolve. Mr. Landau felt this issue would not be addressed in Arizona for some time.

Dr. Erbstoesser said the third “hot topic” was Doctor Burnout, but he felt the only answer to the problem given at the conference was for physicians to take up meditation.

Mr. Landau reported that the FTC case from North Carolina (in which the Supreme Court issued the opinion that there has to be State action in any ruling or rule-making that touches on anti-trust) has generated numerous lawsuits.

C. Executive Director Report

1. Financial Report

Mr. Jones provided a report to the Board as required by Statute.

2. Summary of current events that affect the Board

a. Update on Proposed Move to 1740 W. Adams

The Board office is slated to move the last week of December 2017. ADOA has asked for an additional million dollars to reinforce concrete slabs and structural columns inside the building. At this time, it is unknown if this will affect the timing of the move.

3. Legislation Update

a. SB 1028 – Osteopathic Board – Continuation

Ms. Jones reported this bill passed and we are continued for eight years.

b. SB 1435 – Fingerprinting

Ms. Jones reported this bill passed. It was amended to add the Medical Board and Physical Therapy Boards.

c. SB 1452- Health Professional Regulatory Boards

Ms. Jones reported that this bill passed and the intent of this bill is to make areas of board business more transparent. It includes provisions that will require not disclosing open complaints to the public if asked, making available non-disciplinary actions such as CME but not Letters of Concern on physicians' profiles, and requires all Open Meetings held by the Board to be either audio or video recorded.

d. HB 2197 - Telemedicine Changes

Ms. Jones provided a copy of this bill for the member's review.

e. HB 2372 -Waiver of fees

Ms. Jones stated if/when this bill passes, it will affect the Board's income. This bill will waive the first application and licensure fees for people within 200% of the poverty level. As a result, this will require the Board staff to put into place a means for assessing an applicant's income to determine if the applicant qualifies for the waiver.

D. Report on Recent FSMB Meeting

The Administrators in Medicine (AIM) meeting was held just prior to the FSMB meeting. Ms. Jones reported that the Arizona Board of Osteopathic Examiners won the AIM Best of Boards Award for their 17-year partnership with the osteopathic medical schools in Arizona in educating students about regulation.

Dr. Erbstoesser reported that Ms. Jones was elected to serve on the AIM Board as the Western Regional Representative. Other items from the FSMB meeting were discussed under Item 11.B.

E. Board may review discuss and take action regarding the handling of complaints that appear to fall within A.R.S. § 32-1855 and A.R.S. § 23-1026 et al.

1. IME Memorandum

Ms. Jones reported that staff received the first complaint regarding an IME which appears to fall within the IME legislation passed a year or two ago that limits or restricts the Board investigating complaints that are a result of an IME, in certain conditions. The Board suggested that the Assistant Attorney General be involved in the legal decision to determine if the complaint falls under the statute.

F. Board may review, discuss and take action on requests for Retired License Status

1. Robert B. Willcutt. DO. License No. 1353

MOTION: Dr. Cunningham moved to approve the Retired Status request. Dr. Spiekerman seconded.

VOICE VOTE: The motion carried unanimously.

- G. Board may review, discuss and take action to initiate audio or video recordings of the Board's meetings.

The Board discussed options for initiating audio or video recordings of the Board's meetings. It was suggested that the Board may have to contract with an outside company because the files from an eight hour meeting would be too large to save to The Board's servers. This is an expensive endeavor. The law will take effect in January 2018. The Board felt the best option was to determine the cost of audio while the office remains at the Scottsdale address, and begin video recordings after the move to Phoenix.

- H. Board may review, discuss and take action on Incomplete CME Audits.

1. Richard Sibson, DO. License No. 005076

The Board directed staff to extend the requirement to complete the three AOA Category 1A deficiency to May 31, 2017.

2. Patricia Gabriel, DO. License No. 3144

The Board discussed the difficulty staff has had in finding this physician. The Board tabled the matter and directed staff to send a notice by delivery service and attempt to obtain a signature to prove that the notice was received.

- I. Board may review, discuss and take action on release of confidential information by Kathryn Brown, DO.

The Board verbally warned Dr. Brown, reminding her that disclosing confidential information regarding a complaint and the investigative/medical consultant's reports were considered Unprofessional Conduct. However, the Board determined not to open a complaint in the matter.

12. ADJOURNMENT

The Board adjourned at 4:02 p.m.